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EAST TIMOR: RECENT ALLEGATIONS OF CONTINUING HUMAN RIGHTS VIOLATIONS

Amnesty International's concerns in East Timor remain the large-scale detention without trial of both combatants (members of Frente Revolucionaria do Timor Leste Independente, Fretilin) and civilians, summary executions of combatants and civilians and reports of "disappearances" in the territory, particularly acute during the years 1977-80.

Amnesty International has submitted its findings on East Timor to, among others, the Indonesian Government, the United Nations Special Committee on Decolonization and the Working Group on Enforced and Involuntary Disappearances of the United Nations Commission on Human Rights. In April 1980 (see ASA 21/05/80), Amnesty International wrote to President Suharto expressing its concerns about 'disappearances', summary executions and detention without trial in East Timor. On that occasion, Amnesty International appealed to the Indonesian Government to carry out its own investigation into the present whereabouts of persons who had 'disappeared' after surrender or capture, to cooperate in ensuring that the International Committee of the Red Cross be permitted to undertake tracing and prison visitation programs in East Timor; to instruct Indonesian forces in the territory of East Timor to protect the physical safety of captured and surrendered Fretilin supporters in compliance with the Geneva Conventions and with the terms of an amnesty offered by President Suharto in August 1977; to investigate conditions in which imprisoned East Timorese were being held; and to ensure that prisoners would be treated in accordance with international standards governing the rights of persons held in detention.

Amnesty International received no reply to that letter. Nor did the United Nations Working Group on Enforced and Involuntary Disappearances receive what Amnesty International can regard as a satisfactory reply from the Indonesian Government to its own

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inquiries about disappearances in East Timor.* Moreover, since April 1980, Amnesty International has continued to receive reports of human rights violations of concern to the organization. In its latest submission to the United Nations Special Committee on Decolonization in October 1981 (see Appendix I), Amnesty International reported that it had received information confirming earlier allegations of executions and indicating large-scale detention without trial. At the same time Amnesty International noted that it could not regard the information available to it on the human rights situation in East Timor as complete, primarily because of the strict prohibition imposed by the Indonesians preventing unhindered access to the territory and the free flow of information out of it.

Since October 1981, the international press has carried reports of further serious violations of human rights occurring in East Timor. In December 1981, it was reported that at least four East Timorese, including two members of the Regional People's Representative Assembly (Dewan Perwakilan Rakyat Daerah,

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* The following is an extract from the Report of the Working Group, dated 26 January 1981:

"In a note verbale, dated 19 November 1980, the Permanent Mission of Indonesia to the United Nations Office in Indonesia stated,

> 'After integration, members of the FRETILIN who opposed integration fled to the mountains from where they were undertaking terrorist actions against the population. When they realized that they were not getting the support of the people, many of them later came down from their hide-outs to surrender to the security forces. In the process some of them may have been killed by the populations as a revenge for the murders and other atrocities committed by the FRETILIN during the bloody civil war of 1974/1975 and afterwards.
>
> 'In carrying out its task to restore peace and security to the people in East Timor, the Indonesian Government is doing its best to prevent such excesses and will continue to do so....'

120. During its third session the Working Group met with the Deputy Permanent Representative of Indonesia to the United Nations Office at Geneva. The representative of Indonesia reviewed developments in his country and provided information concerning the situation in East Timor. He said that over a period of more than 15 years his Government had received numerous lists of names, seeking information about the persons mentioned therein. The Government of Indonesia, he stated had not checked the names on the list the Group had submitted; the Government was convinced that the case of each and every disappeared person was an important issue, but had decided as a matter of principle that their limited resources must at present be used for other purposes."

DPRD) of East Timor who had written to President Suharto, on behalf of the DPRD as a whole, complaining about the conduct of Indonesian officials and military personnel in the territory, had been arrested and subsequently released.

On 18 November 1981, Leandro Isaac and Aniotos NF Sousa Soares were arrested in Dili, the capital city of East Timor. Their names had appeared as signatories to a letter and report of June 1981 addressed to President Suharto on behalf of the East Timorese Regional People's Representative Assembly. The report, the only document of this kind known to have been produced by the DPRD, details the corruption of Indonesian officials and the arbitrary killing of civilians by the Indonesian armed forces (naming individuals against whom specific complaints are made). The DPRD urged President Suharto to intervene and "to rectify these distortions". Towards the conclusion of the report, it is stated, "It is our purpose in submitting this Report to help to create a good name and respect for the Indonesian Armed Forces (ABRI) in the eyes of the people of East Timor." The two arrested DPRD members were taken to Denpasar, Bali, the headquarters of the regional military command including the territory of East Timor. No formal charges were made against them. However, the Jakarta daily newspaper Merdeka reported that the two men were detained for allegedly allowing copies of the assembly report to reach foreign organizations, diplomats and news media. Leandro Isaac and Aniotos NF Sousa Soares were released on 29 December 1981, following widespread coverage of their arrest, and the DPRD report, in foreign new media, especially in Australia.

It was further reported in foreign news media that three other East Timorese had been arrested around mid-November: two other members of the DPRD (one named as Francisco Dios Himines) and a fifth person, the brother of the provincial governor, Guilherme Maria Goncalves. It is not known whether these three persons have also been released. (See Appendix II for extracts from the report of the DPRD alleging human rights abuses in East Timor.)

In recent weeks, there has been considerable publicity given to a letter from a senior member of the Church in East Timor alleging among other things that 500 Timorese apparently not engaged in combat had been executed by Indonesian forces during an operation conducted in July-September 1981. It has been reported that up to as many as 500 persons, including women and children, were killed during a four-day siege at a religious shrine, the Rock of Saint Anthony, in Lacluta.*

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* However, Indonesian Foreign Minister, Mochtar Kusumaatmadja, in in a conversation with visiting British Secretary of State for Foreign Affairs, Lord Carrington (Reuter, 29 January 1982), categorically denied reports of executions in East Timor.

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APPENDIX I

Text of the Statement made in October 1981 by Amnesty International to the Fourth Committee of the Thirty-Sixth Session of the United Nations General Assembly in connection with the Question of East Timor

".... The areas addressed in this statement are those which fall within the specific mandate of the organization: Amnesty International seeks the release of 'prisoners of conscience' - persons who have been imprisoned for the non-violent exercise of their beliefs, for their ethnic origin, colour, sex, language or religion. It works for fair and early trials for all political prisoners and on behalf of prisoners detained without charge or trial. It opposes without reservation the death penalty and torture or other cruel, inhuman or degrading treatment or punishment.

"As Amnesty International noted in a statement before this Committee last year and again in a statement to the Special Committee on Decolonization's Sub-Committee on Petitions, Information and Assistance in June 1981, it was evident that violations of the human rights within the mandate of Amnesty International continued to take place in East Timor. To summarize Amnesty International's concerns in East Timor as presented on those occasions: Amnesty International has been concerned that Timorese have 'disappeared' after surrendering under the terms of an amnesty guaranteeing their personal safety after being captured; that others who had surrendered to or been captured by Indonesian forces have been summarily executed; that large numbers of persons have been detained without trial, some for the full period since the invasion, and held in harsh prison conditions which constituted cruel, inhuman and degrading treatment or punishment.

"Information received by Amnesty International since June indicates that grounds for grave concern remain.

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"Since June, Amnesty International has received reports that a number of persons who had 'disappeared' were in fact killed shortly after being taken into the custody of Indonesian troops. These include three persons who were reported to have 'disappeared' in early 1979: a 17-year-old student named Maria Gorete Joaquim, who 'disappeared' with her uncle, Leopoldo Joaquim, and two young men, Filomeno Alves and Manuel Exposto, who had been well known in Dili before the Indonesian invasion as members of the popular musical group, Os Cinco do Oriente. A third member of the musical group, Onorio Pereira, about whose fate Amnesty International had previously received information, is now reported also to have been shot and killed by Indonesian troops in early 1979. Amnesty International feels that the circumstances of these deaths must be investigated thoroughly.

"In recent months Amnesty International has received more extensive reports about the imprisonment without trial of large numbers of East Timorese. These reports indicate that in two places of detention, the former Dili District Prison (Cadeia Comarca under the Portuguese administration and still known as the Comarca) and the island of Atauro off the main island of Timor, at least 2,000 persons are detained. Those held in the Comarca are reported to be predominantly former combatants, although an unknown number of them are former Timorese soldiers of the Portuguese Army who did not engage in combat against the Indonesians, while others, believed to have taken part in fighting the Indonesian invasion, have been imprisoned without trial since immediately after the invasion in December 1975. Amnesty International drew the Committee's attention last year to the harsh conditions and poor diet in the Comarca which seriously endanger prisoners' health.

"Since June 1980 Amnesty International has received continual reports of persons held on the island of Atauro to the North of the main island of Timor. According to information received by the organization, those taken to the island are civilians held simply on suspicion of being sympathetic to the independence cause. In some cases, their families have been compelled to accompany them. Once on Atauro, they are required to build their own quarters and grow their own food. There are reported to be grave shortages of some essential foodstuffs. Information on the conditions in which they are held is sparse and hard to obtain.

"Amnesty International would again like to stress, as it has on previous occasions, that it cannot regard the information available to it on the human rights situation in East Timor as complete, primarily because of the strict prohibition imposed by the Indonesian occupation forces which prevents unhindered access to the territory and the free flow of information from it. The organization has received other reports indicating detainees

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are being held in other places, both on the mainland of Timor and on other offshore islands. Although it cannot confirm these reports, Amnesty International considers that, together with the recent well-founded reports of imprisonment in Dili and Atauro, they give urgency to its earlier recommendation that the International Committee of the Red Cross be allowed to undertake tracing and prison visitation programs in East Timor.

"Amnesty International has now accumulated considerable evidence that East Timorese taken into the custody of Indonesian occupation forces have been and continue to be treated in violation of international standards, whether their fate be imprisonment without trial, extra-judicial execution or 'disappearance'. Amnesty International remains concerned that the Indonesian Government still has not responded to the recommendations made to it in April 1980 for the protection of the human rights of the people of East Timor.

"Amnesty International presents these findings to the Committee in the belief that they are relevant and important to your consideration of the question of East Timor."

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APPENDIX II

Extracts from the Reports of the East Timor Regional People's Assembly to the President of the Republic of Indonesia on Questions related to the Implementation of Government in East Timor

Extracts from this document are being made available by Amnesty International because it documents allegations of human rights violations, and the maladministration of East Timor, compiled by East Timor's regional assembly representatives. The report, the first one known to have been written, was sent to President Suharto by all the regional assembly's members, although the accompanying letter was signed by only two of them: the youngest and oldest members, as being representative of the 28-member body. The Regional Representative People's Assembly of East Timor was set up in May 1976. Representatives were appointed by the Indonesian Government, they were not elected by the population of East Timor. In July 1976, the People's Assembly petitioned President Suharto to integrate East Timor into Indonesia, which subseqeuntly took effect, although this is not recognized by the United Nations.

Although Amnesty International is unable to substantiate the specific allegations made in the following extracts from the report and it should not be regarded as Amnesty International verified information, the authenticity of the report is not doubted.

Finally, the report itself dates from June 1981. However, no dates are given of the specific allegations of human rights violations contained in it.

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"I. Introduction

.... The Integration of East Timor is the consequence of the desire that exploded within the breasts of the sons and daughters of the region of East Timor, which was accepted at the right moment by the President of the Republic of Indonesia, Bapak Suharto, on 17th July, 1976. Even so, some individuals who have come to this Province have introduced behaviour that can only be described as being the behaviour of conquerors towards a conquered people. With great brutality, the aforementioned individuals do not respect, they even ignore the customs of the People of East Timor, and make use of this opportunity to abuse the powers vested in their positions whilst displaying indisciplinary attitudes that are totally in contravention of both the policy of the Central Government as well as the aspirations of the People of East Timor.

"II. Questions in the Realm of Breaches of Law and Discipline

Although five years of Integration have passed, although security has been restored by stages and in a variety of ways, although the masses of people have constantly made endless sacrifices, it is not yet possible to experience the implementation of law and discipline in this young Province of East Timor.

"The Regional People's Representative Assembly of the Province of East Timor is continually, with deep sorrow, receiving verbal as well as written reports or complaints from the People about torture, maltreatment, murders and other unimaginable cases. The basic laws in this Province of East Timor are controlled by certain individuals or groups who place their personal interests above the interests of the people as a whole, even to the extent that their unlawful actions result in death for the People. But these irresponsible people or groups commit murders without due process of the laws concerning investigation. Feelings of fear are widespread among the People with the result that the living conditions of the People have worsened.

"After five years of Integration, the People of East Timor do not yet enjoy the freedom that humanity needs to feel....

1. In the District of Lospalos, some people were murdered by Battalion 745 because they practised black magic.

2. In the District of Viqueque, tens of inhabitants were murdered after being tortured by having their sex organs slashed because they did not obey orders serving the interests of certain individuals or groups and also because of black magic practices.

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3. In the District of Likisa, tens of people were murdered by Kodim (Sub-District Military Command) after having been tortured with electricity and other forms of burning, without adequate reason.

4. In the District of Kovalima, tens of inhabitants were murdered by Battalion 745 after being accused of practising black magic."

(The practice of "black magic" is believed to refer to the traditional religious animism of the bulk of East Timor's population. In 1974/5, when the territory's population was estimated as between 650,000-680,000, only 200,000 persons were of Roman Catholic religion. In contrast to this, members of the Indonesian armed forces are predominantly Muslim, with a small proportion holding Christian religious beliefs.)

"These murders and acts of torture committed by these irresponsible persons or groups have resulted in a situation of instability throughout the region of East Timor where there have been many reactions, fears and a variety of other feelings. Yet Integration which took place five years ago should have brought the results that the People of East Timor really want to enjoy.

"Furthermore, in a situation where there are no legal restraints and no discipline, problems relating to matters of morality occur, such as for instance in Dili where several women in a prison were tortured with electricity and burnt with cigarettes by some elements of the Armed Forces who also inflicted immoral sexual acts upon them....

"III. Problems in the Realm of the Economy"

(No extracts are reproduced from this section reproduced since it details allegations of the misuse of central government funds intended for development of the province and stimulation of the local economy, and the monopoly control of commodity trading.)

"IV. Matters that are of a Dangerous Nature and that cause Unrest among the People and the Native Officials of East Timor, (by means of which) Certain Elements create Discord and arouse Feelings of Hatred in order to seek Benefits and Positions for Themselves or their Groups"

(Similarly, there are no extracts from this section reproduced since it details allegations against three named individuals specifically accused of corruption, diverting medical supplies and misappropriation of development project funds.)

"V. Conclusion

This is the Report we wish to submit to you in the hope that you will be gracious enough to rectify these distortions which can lead to unrest and anxieties among the people and native officials of East Timor who have only just emerged from the fears that resulted from past disturbances. And we should in the first place explain to you that it is our purpose in submitting this Report to help create a good name and respect for the Indonesian Armed Forces (ABRI) in the eyes of the People of East Timor.

"It is deeply to be regretted if, as a result of the in-disciplinary deeds of certain elements and personally-motivated groups, there developed among the People prejudices towards and fears of the good name of our beloved ABRI....

"Should there be any errors or anything inappropriate in the way of presentation, we ask for your forgiveness because we are submitting this to you in order to remove feelings of unrest and fear among the people of East Timor who still need guidance and direction from you....

"That is all. Thank you, and Freedom together with Indonesia."